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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA )

Case No.

08 SEP -8 AM 9:54

VS )

08 MJ 2746  
COMPLAINT FOR VIOLATION OF  
21 U.S.C. Sections 952 & 960,  
Importation of a Controlled Substance

Oscar Preciado GONZALEZ )

DEPUTY

The undersigned complainant being duly sworn states:

COUNT 1

That on or about September 7, 2008, within the Southern District of California, Oscar Preciado GONZALEZ did knowingly and intentionally import approximately 2.16 kilograms of Heroin, a Schedule I Controlled Substance, and approximately .94 kilograms of Methamphetamine, a Schedule II Controlled Substance into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Edward Coderes, Special Agent  
U.S. Immigration and  
Customs Enforcement

Sworn to before me and subscribed in my presence, this 8<sup>th</sup> day of September 2008.

  
United States Magistrate-Judge

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APRO

### PROBABLE CAUSE STATEMENT

I, Special Agent Edward Coderes declare under penalty of perjury, the following is true and correct.

On September 7, 2008, at approximately 0650 hours, Oscar Preciado GONZALEZ presented himself for entry into the United States from Mexico, at the Otay Mesa, CA Port of Entry (POE) as the driver and sole occupant of a yellow 2007 Italika Motorcycle bearing Baja California Mexico license plate number ANJ01.

While conducting vehicle primary operations on lane #4, Customs and Border Protection (CBP) Officer Eduardo Gonzalez noticed that GONZALEZ was hesitant to proceed towards the processing booths. CBP Officer Gonzalez then called GONZALEZ to his lane. GONZALEZ presented a valid US birth certificate and California driver's license bearing his name and photograph. CBP Officer Gonzalez also received a negative customs declaration from GONZALEZ. During processing, CBP Officer Gonzalez noticed a bulge by his waistband near the left ribcage area. When asked about the bulge GONZALEZ kept saying "Huh." At this time, CBP Officer Gonzalez touched the bulging area with his right palm and felt a large solid object running across his ribs and stomach area. Upon lifting GONZALEZ'S sweatshirt, CBP Officer Gonzalez saw packages strapped onto GONZALEZ'S body. At this time, GONZALEZ was handcuffed and escorted to the security office.

The packages were turned over to CBP Officer Sorensen for further processing. CBP Officer Sorensen received three (3) packages that were

removed from GONZALEZ'S waistband weighing approximately 3.10 kilograms. One package contained a white crystalline substance weighing approximately .94 kilograms which field-tested positive for Methamphetamine. The remaining two (2) packages containing a pungent smelling, brown granular substance weighing approximately 2.16 kilograms which field-tested positive for Heroin.

On September 7, 2008, at approximately 1100 hours, Post Miranda, GONZALEZ, agreed to make a statement to U.S. Immigration and Customs Enforcement (ICE) Special Agents (SA) Edward Coderes and Carlos Delgado. A video-recorded interview in English and Spanish of GONZALEZ was conducted in the presence of the undersigned ICE Special Agents Coderes and Delgado. GONZALEZ was read his Miranda Rights in the presence of these agents, waived his rights and executed a written waiver, which indicated that he agreed to answer questions without an attorney present. During the interview, GONZALEZ was lucid and did not appear to be ill, intoxicated or under the influence of drugs. He was alert, responsive and appeared capable of communicating, and he offered appropriate responses to questions. He did not appear to be unusually nervous or fearful. The interview was terminated at approximately 1157 hours.

During the interview, GONZALEZ made the following statements. GONZALEZ stated that he was to be paid a total of \$2,700.00 US currency for transporting the packages across the US/Mexico Border, and that \$1,600.00 of which he had already received was currently on his person. GONZALEZ further stated that he was instructed to take the first exit from the Otay Mesa Port of

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Entry and wait by the gas station located near the area of McDonald's restaurant for a phone call from an unidentified Hispanic male known only as PEDRO, who would give him further instructions on how to proceed. Finally, GONZALEZ stated that he knew that he was carrying drugs, however, he did not know what kind. GONZALEZ further stated that the packages had a "crunchy" feel to it and he suspected that he was carrying "Meth."

Oscar Preciado GONZALEZ was arrested and transported to the Metropolitan Correctional Center, San Diego, CA, for custody and judicial proceedings.

Executed on September 7, 2008 at 1100 hours

Edward Coderes  9/8/08  
Special Agent  
U.S. Immigration and Customs Enforcement (ICE)

On the basis of the facts presented in the probable cause statement consisting of three (3) pages, I find probable cause to believe that the defendant Oscar Preciado GONZALEZ named in the probable cause statement committed the offense on September 7, 2008 in violation of Title 21, United States Code, Section (s) 952 & 960 and United States Code Section 2.

 9/8/08 9:30 A.M.  
United States Magistrate Judge